

EXHIBIT 8

1	IN THE UNITED STATES DISTRICT COURT 2 FOR THE EASTERN DISTRICT OF WISCONSIN 3 ----- 4 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, 5 ----- 6 Plaintiff, 7 -vs- Case No. 1:17-CV-00070 8 ----- 9 WAL-MART STORES EAST, L.P., 10 Defendant. 11 ----- 12 ----- 13 Video Examination of MARLO SPAETH, taken 14 at the instance of the Defendant, under and pursuant to 15 the Federal Rules of Civil Procedure, before KARA D. 16 SHAWHAN, a Certified Realtime Reporter, Registered Merit 17 Reporter and Notary Public in and for the State of 18 Wisconsin, at Holiday Inn, 4601 Calumet Avenue, 19 Manitowoc, Wisconsin, on September 26, 2018, commencing 20 at 7:57 a.m. and concluding at 5:17 p.m. 21 22 23 24 25	Page 1
---	--	--------

1	TRANSCRIPT OF PROCEEDINGS 2 THE VIDEOGRAPHER: We're now on the 3 record. My name is Doug vanderHoof, the 4 videographer retained by Lexitas. This is the 5 video deposition for the U.S. District Court, 6 Eastern District of Wisconsin, Green Bay Division, 7 it's the 26th of September, 2018. The time on the 8 screen is 7:58 in the morning. We're at the 9 Manitowoc Holiday Inn for a matter in the -- of 10 EEOC versus Wal-Mart. 11 The deponent is Marlo Spaeth. And could 12 I ask counsel to be -- to identify themselves and 13 so who they represent, please? 14 MR. HARLAN: I'm Emery Harlan on behalf 15 of Defendant Wal-Mart. 16 MS. VANCE: Attorney Carrie Vance on 17 behalf of the United States Equal Employment 18 Opportunity Commission, Plaintiff. 19 THE VIDEOGRAPHER: The court reporter is 20 Kara Shawhan. Would you please swear the witness. 21 THE COURT REPORTER: Could you raise your 22 right hand, please? 23 MR. HARLAN: Marlo, did you hear? She 24 needs you to raise your right hand. 25 THE WITNESS: I'm nervous a little bit.	Page 3
---	---	--------

1	A P P E A R A N C E S 2 U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, by MS. CARRIE VANCE, 3 MS. LESLIE CARTER, 310 West Wisconsin Avenue, 4 Milwaukee, Wisconsin 53203, (414)297-1130, 5 leslie.carter@eeoc.gov, carrie.vance@eeoc.gov, 6 appeared on behalf of the Plaintiff. 7 MWH LAW GROUP, LLC, by MR. EMERY HARLAN, 8 735 North Water Street, Milwaukee, Wisconsin 53202, 9 (414)436-0353, emery.harlan@mwhlawgroup.com, 10 appeared on behalf of the Defendant. 11 A L S O P R E S E N T 12 Mr. Doug vanderHoof, Videographer; Ms. Amy Stevenson. 13 * * * * * 14 I N D E X 15 16 Examination: Page 17 By Mr. Harlan..... 4 18 Exhibits Identified: Page 19 Exhibit 21A -Exhibit 21 With Ms. Spaeth's Signature in Blue Written on It..... 223 20 Exhibit 48 - List of Scheduled Shifts..... 69 Exhibit 49 - Exit Interview..... 197 21 Exhibit 50 - Acknowledgement..... 199 Exhibit 51 - Accommodation Policy At Wal-Mart..... 208 22 Exhibit 52 - Job Description..... 209 Exhibit 53 - Wal-Mart Form Given to New Hires..... 212 23 24 Disposition Of Original Exhibit/s: 25 Attached To Original Transcript	Page 2
---	--	--------

1	MR. HARLAN: Pardon? 2 THE WITNESS: I'm nervous. 3 MR. HARLAN: Okay. I understand. 4 Hopefully you talked to Barbie yesterday. Right? 5 THE WITNESS: (Witness nods head.) 6 MR. HARLAN: And did she say it went 7 okay? Did she say despite this being a legal 8 proceeding that she was able to get through it 9 okay? So we can't start until you raise your hand 10 and take the oath. Take your time. I'm perfectly 11 fine waiting, but we have to have you give an oath. 12 MARLO SPAETH, called as a witness herein, 13 having been first duly sworn on oath, was examined 14 and testified as follows: 15 EXAMINATION 16 BY MR. HARLAN: 17 Q. You should be in a pretty good mood because -- 18 A. I know. 19 Q. -- the Brewers won, and so that means that I think 20 the Cubs only are a half game ahead of them. 21 A. The Brewers won last night. 22 Q. Um-hum. 23 A. They play tonight again too. 24 Q. Yep. It's looking like the decision to bring in 25 Yelich was a good decision.	Page 4
---	--	--------

<p style="text-align: right;">Page 25</p> <p>1 there's a misstatement of testimony. Are you 2 saying "Gabby" or "Debbie" -- 3 THE WITNESS: Debbie. 4 MS. VANCE: -- as you said earlier this 5 morning? 6 THE WITNESS: Debbie and Robin. 7 MS. VANCE: Debbie and Robin? 8 THE WITNESS: Yeah. 9 BY MR. HARLAN: 10 Q. Debbie and Robin? Okay. What did Debbie and Robin 11 do? 12 A. That's who got me fired. 13 Q. Okay. What did they do to try to get you fired? 14 A. I started working and then leave. 15 THE COURT REPORTER: What was that? 16 MS. VANCE: Can you say that again, 17 Ms. Spaeth? 18 THE WITNESS: First I leave and -- I go. 19 BY MR. HARLAN: 20 Q. So let's start with Robin. Did you like Robin? 21 A. No. 22 Q. And why didn't you like Robin? 23 A. She tried getting me fired every time like Debbie, 24 and Bonnie. 25 Q. And when you say Robin tried to get you fired, how</p>	<p style="text-align: right;">Page 27</p> <p>1 A. Not much work. 2 Q. Okay. Did somebody tell you that it was okay to 3 leave early? 4 A. (Witness nods head.) 5 Q. Who told you -- And you're nodding your head "yes"? 6 A. (Inaudible.) 7 THE COURT REPORTER: I couldn't hear 8 that. 9 BY MR. HARLAN: 10 Q. Could you repeat that? 11 A. Huh? 12 Q. Did someone tell you to go home early? 13 A. (Witness nods head.) 14 Q. You're nodding your head "yes"? 15 A. Right. 16 Q. Who told you to go home early? 17 A. Karen does. My manager Karen. Sometimes Brett 18 too, Manager Brett. 19 Q. And Brett wasn't there in the end. 20 A. Not much work anymore. That's why I left. I don't 21 know. 22 MS. VANCE: Did you say "There's not much 23 work anymore"? 24 THE WITNESS: Right. 25 MS. VANCE: "That's why I left"?</p>
<p style="text-align: right;">Page 26</p> <p>1 did she try to get you fired? 2 A. I left that time. 3 Q. So you -- 4 A. Like that. 5 Q. You left early? 6 A. (Witness nods head.) 7 Q. Is that -- 8 A. Like that. 9 Q. So you're nodding your head "yes" to leaving early. 10 MR. HARLAN: You'd agree, Carrie? 11 MS. VANCE: Yes. 12 THE WITNESS: Yes. 13 BY MR. HARLAN: 14 Q. And why did you leave early? 15 A. Take the bus home. That's why. 16 Q. Is there any other reason you left early? 17 A. No. 18 MS. VANCE: Can you talk louder? 19 THE WITNESS: What? 20 MS. VANCE: Can you say that louder? 21 THE WITNESS: (Witness nods head.) 22 BY MR. HARLAN: 23 Q. So you said you left early to take the bus home. 24 A. Right. 25 Q. Is there any --</p>	<p style="text-align: right;">Page 28</p> <p>1 THE WITNESS: Right. 2 BY MR. HARLAN: 3 Q. And what do you mean, "There's not much work 4 anymore"?</p> <p>5 A. That's a long time ago. I can't really say it. 6 Q. Why did Robin get mad that you left early? 7 A. I had to take the bus home. 8 Q. Did she tell you why she was mad? 9 A. What? 10 Q. Did Robin tell you why she was mad with you leaving 11 early? 12 A. (Witness shakes head.) 13 Q. Did you tell Robin -- 14 MS. VANCE: Are you saying "no"?</p> <p>15 THE WITNESS: I told Karen about it too 16 and Manager Brett. 17 BY MR. HARLAN: 18 Q. Did you tell Robin that you wanted to go home early 19 to have supper? 20 A. (Witness nods head.) 21 Q. Is that -- 22 A. Yeah. 23 Q. Okay. What else did you tell Robin? 24 A. That's a long time ago. I can't say it. 25 Q. Did Robin tell you she wanted to work until --</p>

<p style="text-align: right;">Page 49</p> <p>1 A. I can't remember. 2 Q. Okay. Do you remember if there were -- 3 A. I punch out. 4 Q. So you recall that there were days that you punched 5 out during a shift earlier than you were supposed 6 to? 7 A. (Witness nods head.) 8 Q. Are you nodding your head "yes"? 9 MS. VANCE: I agree the witness nodded 10 her head "yes." 11 BY MR. HARLAN: 12 Q. Okay. Do you know, Marlo, while you were working 13 at Wal-Mart, whether the company kept a record of 14 when you punched out early or when you didn't show 15 up to work? 16 MS. VANCE: Objection, form. 17 BY MR. HARLAN: 18 Q. Let me break it down. Do you know if, while you 19 were at Wal-Mart, if the company kept track of 20 whether you showed up to work? 21 MS. VANCE: Objection, form. 22 BY MR. HARLAN: 23 Q. Marlo, do you need me to have the question read 24 back? 25 A. (Witness shrugs shoulders.)</p>	<p style="text-align: right;">Page 51</p> <p>1 at Wal-Mart? 2 MS. VANCE: Objection, foundation. 3 Objection, form. 4 BY MR. HARLAN: 5 Q. Do you remember? 6 A. (Witness shakes head.) 7 Q. So -- 8 A. No. 9 Q. Okay. And for any of the dates listed on Exhibit 10 No. 44, do you remember whether you worked your 11 entire shift -- 12 MS. VANCE: Objection, foundation. 13 BY MR. HARLAN: 14 Q. -- on the date listed or the dates listed? 15 MS. VANCE: Excuse me. Objection, 16 foundation. Objection, form. 17 BY MR. HARLAN: 18 Q. Do you remember? 19 A. It's a long time ago. 20 Q. Okay. So you -- 21 A. I can't remember now. 22 Q. Okay. So you aren't able to tell us whether you 23 left early on any of the dates listed on 24 Exhibit 44. 25 MS. VANCE: Objection, foundation.</p>
<p style="text-align: right;">Page 50</p> <p>1 Q. Would you like me to have the question read back or 2 do you remember the question? 3 A. I can't remember. 4 MS. VANCE: Can you say it louder? 5 THE WITNESS: I can't remember. 6 BY MR. HARLAN: 7 Q. That's fine. There's nothing wrong with you saying 8 you don't remember if that's the truth, you don't 9 remember. Do you know if, during the time that you 10 worked at Wal-Mart, if the company kept track of 11 when you left work before you were supposed to? 12 MS. VANCE: Objection, form. 13 THE WITNESS: I can't remember what day I 14 started working. I forgot. 15 BY MR. HARLAN: 16 Q. So you don't know if the company kept track of 17 whether you left work earlier than you were 18 supposed to. 19 A. It's a lot of years I worked there. I can't 20 remember now. 21 Q. Okay. So let me show you another document. This 22 is Exhibit 44. Just look at me when you're 23 finished reading Exhibit 44. Okay. So first 24 question, do you know if the dates listed on this 25 document are dates that you were scheduled to work</p>	<p style="text-align: right;">Page 52</p> <p>1 Objection, form. 2 BY MR. HARLAN: 3 Q. Is that correct? 4 MS. VANCE: Same objection. 5 THE WITNESS: (Witness shrugs shoulders.) 6 BY MR. HARLAN: 7 Q. Are you able to tell us whether you left early on 8 any of the dates listed on Exhibit 44? 9 MS. VANCE: Same objection. Ms. Spaeth, 10 when you shrug your shoulders, what does that mean? 11 What are you saying? 12 THE WITNESS: Not much work. That's why 13 I left that time. 14 BY MR. HARLAN: 15 Q. But I'm asking you, looking at Exhibit 44 that you 16 have in front of you, are you able to tell us 17 whether, on any of the dates listed on that 18 document, whether you left work early on any of 19 those dates? 20 MS. VANCE: Objection, form. Objection, 21 foundation. 22 THE WITNESS: I'm nervous. 23 BY MR. HARLAN: 24 Q. Okay. Are you able to tell us for the dates listed 25 on Exhibit No. 44 whether on any of those dates you</p>

<p style="text-align: right;">Page 53</p> <p>1 left work early or not? 2 MS. VANCE: Objection, form. 3 THE WITNESS: I can't remember. 4 BY MR. HARLAN: 5 Q. Okay. Do you know whether -- Do you know whether 6 any of your co-workers left early from shifts they 7 were assigned to work while you were at Wal-Mart? 8 A. Not much work. That's why I left. 9 Q. Can you remember if there were co-workers -- other 10 individuals that worked with you at Wal-Mart who 11 left early? 12 A. I can't remember. It's a long time ago. 13 Q. Okay. 14 MS. VANCE: Excuse me. Was the answer 15 "Not much work? That's why I left?" 16 THE COURT REPORTER: Yes. 17 MS. VANCE: Okay. Thank you. 18 BY MR. HARLAN: 19 Q. On the occasion when you recall leaving because 20 "not much work," who told you that you could leave? 21 A. Karen. 22 Q. How many times did you leave work early because 23 "not much work"? 24 A. I talked to Brett about it. 25 Q. Okay. So the time that Karen said you could leave</p>	<p style="text-align: right;">Page 55</p> <p>1 supposed to? 2 A. I think that's right. 3 Q. Were there any other employees when you were at 4 Wal-Mart who didn't show up for work when they were 5 supposed to? 6 A. Robin too. 7 Q. Okay. So besides Robin and Debbie, were there any 8 other employees at Wal-Mart who -- 9 A. That's it. 10 Q. Just Robin and Debbie. That's it. 11 A. (Witness nods head.) 12 MR. HARLAN: You agree she's nodding her 13 head affirmatively? 14 MS. VANCE: Yes. 15 BY MR. HARLAN: 16 Q. Okay. Do you remember if Julia Stern met with you 17 to discuss your attendance? 18 MS. VANCE: Objection, form. Can you say 19 it louder? 20 THE WITNESS: Huh? 21 MS. VANCE: Say it louder, please. 22 THE WITNESS: Hard questions. I can't 23 say it. 24 MS. VANCE: You can't say it? 25 THE WITNESS: I am nervous.</p>
<p style="text-align: right;">Page 54</p> <p>1 work early because "not much work" -- 2 A. Right. 3 Q. -- Brett was working there at that time? 4 A. Yes. 5 Q. Okay. And that was one time? 6 A. (Witness nods head.) 7 Q. Is that "yes"? 8 A. Yep. 9 Q. Do you recall if there were people that you worked 10 with at Wal-Mart who failed to show up for work 11 when they were assigned to come in? 12 A. I can't remember anymore. 13 MS. VANCE: Can you say it louder? 14 THE WITNESS: Huh? 15 MS. VANCE: Say it louder. Can you say 16 that louder? Can you say that louder? 17 THE WITNESS: Robin. 18 MS. VANCE: What? 19 THE WITNESS: Robin and Debbie. 20 MS. VANCE: Okay. 21 BY MR. HARLAN: 22 Q. So you said "Robin and Debbie"?</p>	<p style="text-align: right;">Page 56</p> <p>1 BY MR. HARLAN: 2 Q. Okay. You remember Julia Stern, right, your former 3 manager? 4 A. Not really. 5 Q. You don't remember Julia? 6 A. (Witness shrugs shoulders.) 7 Q. Do you remember Julia? 8 A. (Witness shakes head.) 9 Q. Do you remember if, prior to you leaving Wal-Mart, 10 you had a meeting with someone to talk about you 11 leaving work early? 12 A. (Witness nods head.) 13 Q. Okay. 14 MR. HARLAN: You agree the witness is 15 nodding her head affirmatively? 16 MS. VANCE: Yes. 17 BY MR. HARLAN: 18 Q. Do you recall who it was that met with you to 19 discuss you leaving work early? 20 A. I talked to Karen. I leave early that time. 21 Q. Well, you told us about the one time that Karen 22 said you could leave work because "no work." 23 MS. VANCE: Objection, mischaracterizes 24 prior testimony. 25 BY MR. HARLAN:</p>

1 BY MR. HARLAN: 2 Q. Yeah. She can't answer that one for you. 3 MS. VANCE: Right. Amy can't answer the 4 questions. 5 THE WITNESS: I know. 6 MS. VANCE: We need you to. 7 BY MR. HARLAN: 8 Q. If you don't know or you don't remember, that's 9 perfectly acceptable. You're not going to get in 10 trouble for saying you don't remember or don't know 11 if you don't know. Do you recall which meal it 12 was? 13 A. I don't remember. 14 Q. Did you tell anyone at Wal-Mart that you needed to 15 leave work by a certain time? Ms. Spaeth? Marlo? 16 Ms. Spaeth? 17 MR. HARLAN: Okay. Why don't we take a 18 break. 19 THE VIDEOGRAPHER: Okay. We're going off 20 the record at 12:52. We're off the record. 21 (A break was taken.) 22 THE VIDEOGRAPHER: We're back on the 23 record at 12:55. 24 BY MR. HARLAN: 25 Q. Did your stepsister, Barbara, ever tell you that	Page 97 1 Q. And so she -- 2 A. And walkers too. 3 Q. That sometimes caused the bus to be late? 4 A. The walkers. Like that. 5 Q. Do you recall ever telling anyone at Wal-Mart that 6 you were -- you would get sick if you were not home 7 by a certain time? Do you recall telling your boss 8 or anybody else that you needed to be home by a 9 certain time, otherwise you would get sick? 10 A. I can't remember. 11 MS. VANCE: Can you say that louder? Did 12 you say "I don't remember"? 13 THE WITNESS: I can't remember. 14 MS. VANCE: "I can't remember"?15 THE WITNESS: It's a long time ago. Like 16 I can't remember anymore. 17 BY MR. HARLAN: 18 Q. Okay. And that's perfectly fine. Did you ever 19 tell anyone at Wal-Mart that because you had taken 20 certain pills, you needed to eat at a certain time? 21 A. What? 22 MS. VANCE: Objection, assumes facts not 23 in evidence. 24 BY MR. HARLAN: 25 Q. You're right. That was not a good question. So I
Page 98 1 she was not happy that you were coming home late 2 for supper? 3 A. Yeah. 4 Q. And do you recall when she told you that? Was it 5 while you were still working for Wal-Mart? 6 A. Yeah. 7 Q. And did she say why she was not happy that you were 8 coming home late? 9 A. (Witness nods head.) 10 Q. Did she tell you why she was upset about that? 11 A. Right. 12 Q. And what did she say, if you remember? 13 A. Barb's not too happy with me, like that. 14 Q. Okay. 15 A. I get home and she started eating already. Except 16 the bus is late sometimes too. 17 MS. VANCE: Sometimes -- The bus was late 18 sometimes? 19 THE WITNESS: Yeah. Like what do you 20 call that the -- I can't say it now. Like the 21 chairs. 22 MS. VANCE: Wheelchairs? 23 THE WITNESS: Wheelchairs. Like that 24 stuff. 25 BY MR. HARLAN:	Page 98 1 think -- I think I heard you say that on the 2 occasion that you recall getting sick because you 3 hadn't eaten at a certain time, you think it also 4 had something to do with pills you were taking. 5 A. (Witness nods head.) 6 Q. And my question is, did you ever tell that to 7 anybody at Wal-Mart? 8 A. (Witness shakes head.) 9 MS. VANCE: You're shaking your head 10 "no"?11 THE WITNESS: I can't remember that part. 12 BY MR. HARLAN: 13 Q. Okay. So you don't remember that. Okay. 14 A. Maybe I did. Maybe I did. 15 THE WITNESS: I can't remember, Amy. 16 BY MR. HARLAN: 17 Q. So is the reason that you wanted to leave work by 4 18 so that you could be home in time for supper with 19 Barb so that she wouldn't get mad at you? 20 A. No. 21 Q. So why is it that you wanted to leave at 4? 22 A. Take the bus home. 23 Q. Okay. 24 A. She make supper then -- Barb do. 25 Q. Okay. So the reason you wanted to leave is because

<p style="text-align: right;">Page 101</p> <p>1 you wanted to be on a bus at a certain time. 2 A. (Witness nods head.) 3 MS. VANCE: Are you saying "yes"? 4 THE WITNESS: (Witness nods head.) 5 MS. VANCE: Shaking your head "yes"? 6 THE WITNESS: Yeah. 7 BY MR. HARLAN: 8 Q. Okay. And it didn't have anything to do with Barb. 9 MS. VANCE: Objection, form. 10 BY MR. HARLAN: 11 Q. Was there a bus that you could take if you left 12 work after 4? 13 A. The apartment stops -- I'm back home that time on 14 the bus. 15 Q. And sometimes you left work before 4:00. Correct? 16 A. (Witness nods head.) 17 Q. Is that "yes"? 18 A. Yeah. 19 Q. And then sometimes you left work after 4:00. 20 Correct? 21 A. (Witness nods head.) 22 MS. VANCE: Are you saying "yes"? 23 THE WITNESS: Maybe about 3 or something. 24 I don't know. I can't remember now. 25 BY MR. HARLAN:</p>	<p style="text-align: right;">Page 103</p> <p>1 Q. Did they ask you to come into the office? 2 A. I can't remember the days. 3 Q. You can't remember the day when you got fired? 4 A. (Witness shakes head.) 5 Q. But you remember it was Julia and I think you said 6 Debbie. 7 A. I think Debbie wanted to get me fired and Julie 8 and Robin. 9 Q. Okay. 10 A. Yep. 11 Q. And do you remember the day that it happened? 12 A. It's a long time ago. 13 Q. It is. Do you remember the day that it happened? 14 A. I don't know. What day is it? 15 Q. No. But do you remember the occasion when it 16 happened? Do you remember what they said to you? 17 A. Yeah. 18 Q. What did they say to you? 19 A. Let go. 20 Q. Did they say why you were being let go? 21 A. (Witness nods head.) 22 Q. Is that "yes"? 23 A. (Witness nods head.) 24 MS. VANCE: I'll agree -- 25 BY MR. HARLAN:</p>
<p style="text-align: right;">Page 102</p> <p>1 Q. Okay. So there was a bus you could take if you 2 left before 3 -- I mean before 4? 3 A. Either 3 or 4, I'm guessing. I don't know. I 4 can't remember. 5 Q. You can't remember if there was a bus that you 6 could take if you left before 4? Do you recall how 7 late the bus ran? 8 A. I can't remember the days. It's too fast. 9 Q. Okay. Do you recall the day you were let go from 10 Wal-Mart? 11 A. Yeah. I told Karen, the manager. 12 Q. Okay. Tell me about the day your employment came 13 to an end. Who told you? Do you recall who told 14 you you were fired? Who told you you were fired? 15 A. Julie did. 16 Q. Okay. 17 A. Julie and Debbie. 18 Q. Okay. And where were you when they told you that? 19 Were you in the office? 20 A. Getting my stuff -- my jacket, like that stuff. 21 Q. They asked -- 22 A. My purse. 23 Q. They asked for your jacket and your purse? 24 A. First I punch out, and I go and wait for the bus, 25 like that.</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. Can you say "yes" that they told you -- 2 A. I know. 3 Q. Okay. What did they say to you? 4 A. "You're fired." 5 Q. Did they explain why? 6 A. I talked to Karen about it. She knows about it and 7 me too. 8 Q. What did Karen say? 9 A. Not too happy. 10 Q. Did you ask any questions? 11 A. I talked to Karen about it. 12 Q. What did you say to Karen? 13 A. Lets me stay there. 14 Q. I'm sorry? 15 A. Lets me stay there. 16 Q. I didn't understand what you said, Marlo. Can you 17 say it again, please? 18 A. Let me still working yet. 19 MR. HARLAN: I didn't make that out, 20 Carrie? Did you? 21 THE WITNESS: That's why. 22 BY MR. HARLAN: 23 Q. You asked why are you still working there? 24 A. No. 25 Q. What did you say? I'm sorry. Can you repeat it?</p>